

1/2/08, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
KERYX BIOPHARMACEUTICALS, INC.,

Plaintiff,

- against -

PANION & BF BIOTECH, INC.,

Defendant.
----- x

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DO: _____
DATE FILED: _____

ECF Case

07 Civ. 10376 (CSH)

STIPULATION AND
PROPOSED ORDER

The parties have discussed the schedule in connection with this action, and hereby stipulate and agree as follows:

1. Keryx's time to cure the alleged breach noticed by Panion on October 31, 2007, as well as any other claimed breach relating to the subject matter of this litigation, shall be extended until the later of (i) 30 days after final judgment is entered in this action, and (ii) 90 days after written notice of any such claimed breach is given;
2. The parties will meet in New York City (or elsewhere in the United States as mutually agreed) on or prior to January 15, 2008 to discuss resolution of their disputes and possible modifications to their License Agreement;
3. Panion's time to serve its Answer and Counterclaims (if any) in response to the Amended Complaint shall be extended to January 7, 2008; provided, however, that if Panion's Answer does not include Counterclaims, the date by which Panion must serve its Answer to the Amended Complaint shall be extended until January 22, 2008;
4. Keryx will serve its Reply to any Counterclaims asserted by Panion by January 28, 2008;

5. No further discovery requests shall be served prior to January 1, 2008. Automatic disclosures under Rule 26(a)(1) shall be made by January 28, 2008;

6. All fact discovery, including fact discovery from non-parties, shall be completed by March 24, 2008;

7. Within 20 days of service, each party shall respond to document requests of its adversary pursuant to Rule 34 and make responsive documents within the party's possession, custody or control available in New York. Panion's time to amend its response and provide documents in response to Keryx's First Document Request shall be extended to January 22, 2008;

8. Within 20 days of service, each party shall respond to any written interrogatories pursuant to Rule 33. Panion's time to amend its response to Keryx's First Set of Interrogatories shall be extended to January 22, 2008;

9. Within 20 days of service, each party shall respond to any requests of its adversary for admission pursuant to Rule 36;

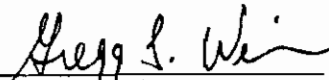
10. The parties will discuss further the date and location of the depositions of Panion and its personnel. Keryx has offered to pay half of the reasonable travel costs to New York for any Panion employee who is not testifying as a 30(b)(6) witness. If the parties are unable to agree on the location of the Panion depositions, Judge Haight will determine their location. Any deposition of Keryx (or its employees) will occur after the deposition of Panion;

11. Expert reports shall be served by March 31, 2008; rebuttal expert reports shall be served by April 14, 2008; expert discovery shall be completed by May 5, 2008;

12. Dispositive motions shall be fully submitted no later than June 13, 2008;

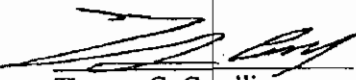
13. The trial date shall be set for July 28, 2008, subject to the Court's calendar; and

14. Nothing herein shall prejudice Keryx's right to seek to file a Second Amended Complaint adding new parties, claims or allegations.

By: 
Gregg L. Weiner

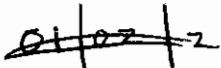
Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, New York 10004
212-859-8000
Gregg.Weiner@friedfrank.com

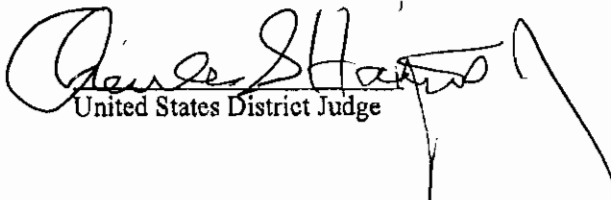
Attorneys for Plaintiff
Keryx Biopharmaceuticals, Inc.

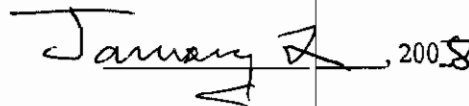
By: 
Thomas G. Carulli

Kaplan, von Ohlen & Massamillo, LLC
555 Fifth Avenue, 15th Floor
New York, New York 10017
212-991-5916
tcarulli@kvolaw.com

Attorneys for Defendant
Panion & BF Biotech, Inc.


IT IS SO ORDERED:


United States District Judge

 January 2, 2008

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